

Sample contract indemnification language provided by DWR (underlined and strikeout revisions made by Delta Stewardship Council staff)

Local Agency shall indemnify and hold and save the State, its officers, agents, and employees, free and harmless from any and all liability for any claims and damages (including inverse condemnation) that may arise out of this Project and this Agreement, including but not limited to, those arising from the planning, design, approval, construction, maintenance and operation of ~~levee~~ rehabilitation measures on ~~Woodward Island~~ for this Project and any breach of the terms of this Agreement. Local Agency shall provide the defense against any such lawsuit or pay the costs associated with the defense of such lawsuit. Local Agency shall require its contractors to name the State, its officers, agents, and employees as additional insureds on their liability insurance for *activities* undertaken pursuant to this Agreement. Local Agency shall also require its contractors to *have* applicable performance and payment bonding in place before commencing work. The Local Agency's indemnity and related obligations under this Agreement also extend to any similar Department indemnity and related obligations with the U. S. Army Corps of Engineers for emergency assistance, response and rehabilitation of Local Agency's facilities and the Local Agency hereby expressly assumes those obligations.